

STATEMENT OF PURPOSE

RS23755C1

Current judicial qualifications are inconsistent, and leave out ethical and other important qualifications. This legislation makes qualification changes to fill in gaps, create consistency, and credit military legal work towards legal experience requirements.

Current requirements that Magistrates be thirty (30) years of age and Idaho electors remain unchanged. Two current oversights are corrected by requiring that they be U.S. citizens and legal Idaho residents for at least two (2) continuous years preceding appointment. The current requirement that they be admitted to practice law in Idaho is changed to require that they "have been in good standing as an active or judicial member of Idaho State Bar for at least two (2) continuous years immediately preceding...appointment." The current requirement that they be admitted to practice law anywhere for at least five (5) years is changed to require that they "[h]ave held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least five (5) continuous years immediately preceding...appointment."

Current requirements that District Judges, Court of Appeals Judges and Supreme Court Justices be at least thirty (30) years of age and U.S. citizens remain unchanged. The requirement that they reside in Idaho for at least two (2) years is changed to require that they "have been a legal resident of the state of Idaho for two (2) continuous years immediately preceding...election or appointment." The requirement that they be admitted to practice law in Idaho is changed to require that they "have been in good standing as an active or judicial member of Idaho State Bar for at least two (2) continuous years immediately preceding...election or appointment." The requirement that they be admitted to practice law anywhere for at least ten (10) years is changed to require that they "[h]ave held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding...election or appointment."

Court of Appeals Judges and Justices of the Supreme Court are not currently required to be electors. This oversight is corrected by requiring that they be "elector[s] of the state of Idaho" when elected or appointed. Article V, Section 23 of the Idaho Constitution requires that when a District Judge is elected he/she be "an elector in the judicial district which he is elected" and the legislation reiterates this requirement. As there is no such requirement for appointed District Judges, the legislation requires that they be "elector[s] of the state of Idaho."

To be in "good standing" as an "active" member of the Idaho State Bar means that a person's license to practice law has not been limited because of ethical violations. "Judicial" members of the Idaho State Bar are Idaho Magistrate Judges, District Judges, Court of Appeals Judges and Supreme Court Justices, and all U.S. District Court judges in Idaho. "Jurisdiction" means a U.S. state or territory, the District of Columbia or any branch of the U.S. military.

This legislation also modifies some language to make it gender neutral, and makes two minor, non-substantive changes to conform existing language to current drafting practices.

FISCAL NOTE

No impact on the general fund.

Contact:

Statement of Purpose / Fiscal Note

S1170

Senator Grant Burgoyne
(208) 332-1000
Senior Judge Barry Wood
(208) 334-2246

